

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
SUBDIVISION REPORT # FPP-20-08
MACKIN TOWNHOMES
MAY 26, 2020

I. GENERAL INFORMATION

A. Project Description

The request is for preliminary plat approval of an 18 townhouse lot subdivision located at 203 and 207 Harmony Road in Kalispell. The proposed subdivision would create 18 new residential lots to be developed with single family attached units for a total of 36 households to be served by Evergreen Water and Sewer. Primary access to the lots would be initially from Harmony Road.

Project Personnel

i. Owner/Applicant

Patrick Mackin
3020 Heidiway Lane
Rapid City, SD 57702-5202

ii. Technical Representative

Doug Peppmeier
Rick Swan
TD&H Engineering
450 Corporate Drive Suite #101
Kalispell, MT 59901

Application Review Dates

1. Land Use Advisory Committee/Council

This proposal is not located within a Land Use Advisory Committee/Council area.

2. Planning Board

The Flathead County Planning Board will conduct a public hearing on the proposed subdivision on June 10, 2020 at 6:00 P.M. at the Trade Center Building at the Northwest Montana Fairgrounds located at 265 North Meridian Road, Kalispell. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration. This space is reserved for a summary of the Planning Board's discussion and recommendation.

3. Commission

The Flathead County Board of Commissioners will review this proposal after the public hearing conducted by the Planning Board and prior to July 13, 2020 which is the end of the 60-working day statutory review period. This space will contain an update regarding the Flathead County Commission review of the proposal.

II. ADMINISTRATIVE CHARACTERISTICS

A. Legal Description and Detailed Location of Subject Properties

The subject properties are 5.714 acres total in size, are located at 203 and 207 Harmony Road, Kalispell, MT. and can legally be described Lot 2 and Lot 1A Mackin Subdivision

Amended Lot 1 Hoiland Day Acres Lot 2 in Section 34, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

Figure 1: Aerial of subject properties outlined in red



B. Subdivision Layout Detail-

- | | |
|---|-----------------------|
| 1. Total Subdivision Acreage: | 5.714 acres |
| 2. Acreage in Lots (spaces): | 4.511 acres |
| 3. Acreage in Roads: | 1.203 acres |
| 4. Total Park/Common Area/Open Space Acreage: | 0.0 acres |
| 5. Minimum Lot Size: | 0.208. acre |
| 6. Maximum Lot Size: | 0.283 acres |
| 7. Overall Gross Lot Density: | 1 unit per 0.28 acres |

C. Current Land Use and Zoning

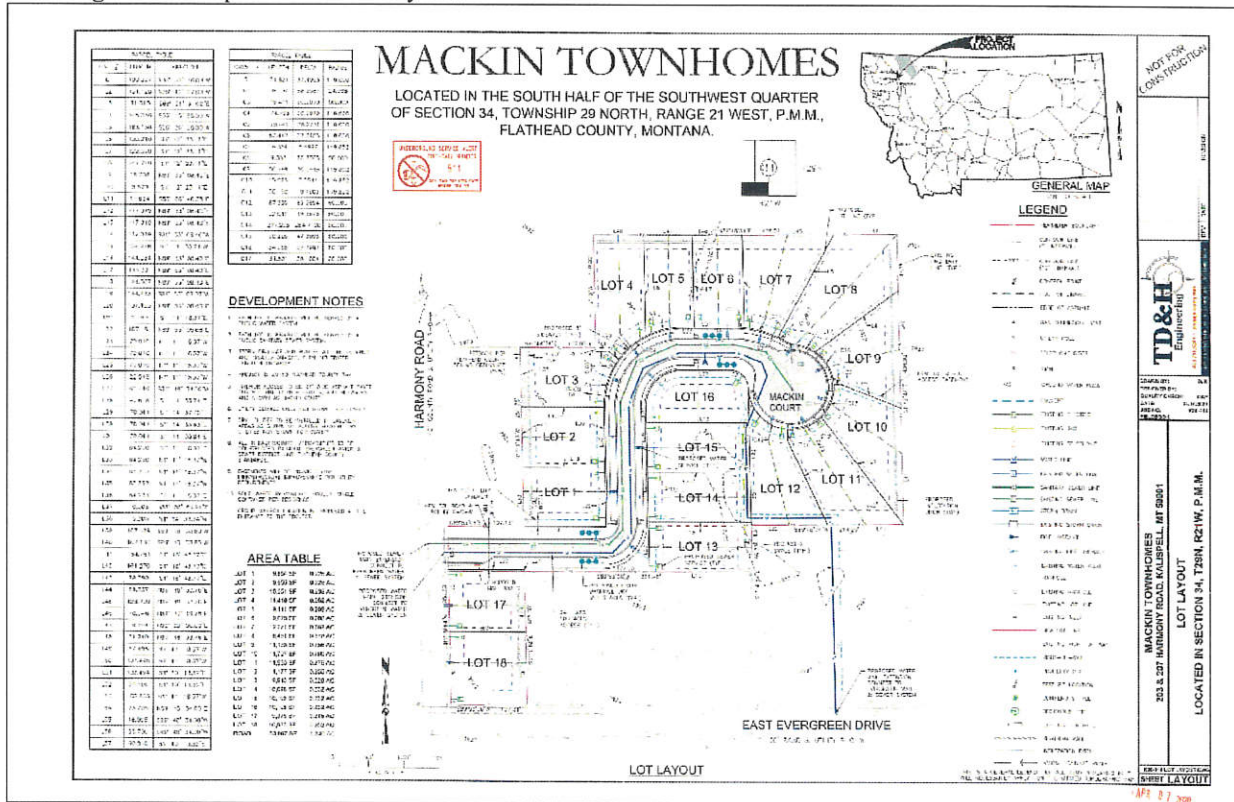
The properties are currently a combination of residential uses and open, undeveloped space zoned R-4.

D. Proposed Land Use

The proposed Mackin Townhouses would create 18 residential lots with lot sizes between 0.208 acres and 0.283 acres. The lots are planned to be served by Evergreen Water and Sewer. The applicant proposes 18 duplex-like structures which will result in 36 single family units total for this proposal when fully developed. The proposed preliminary plat indicates a five foot wide sidewalk starting on the south side of Mackin Court and

proceeding around the cul-de-sac with an end point on the west side of Mackin Court. Also indicated is a 10 foot wide school access easement from the cul-de-sac to the Evergreen Elementary School yard which adjoins the property on the east.

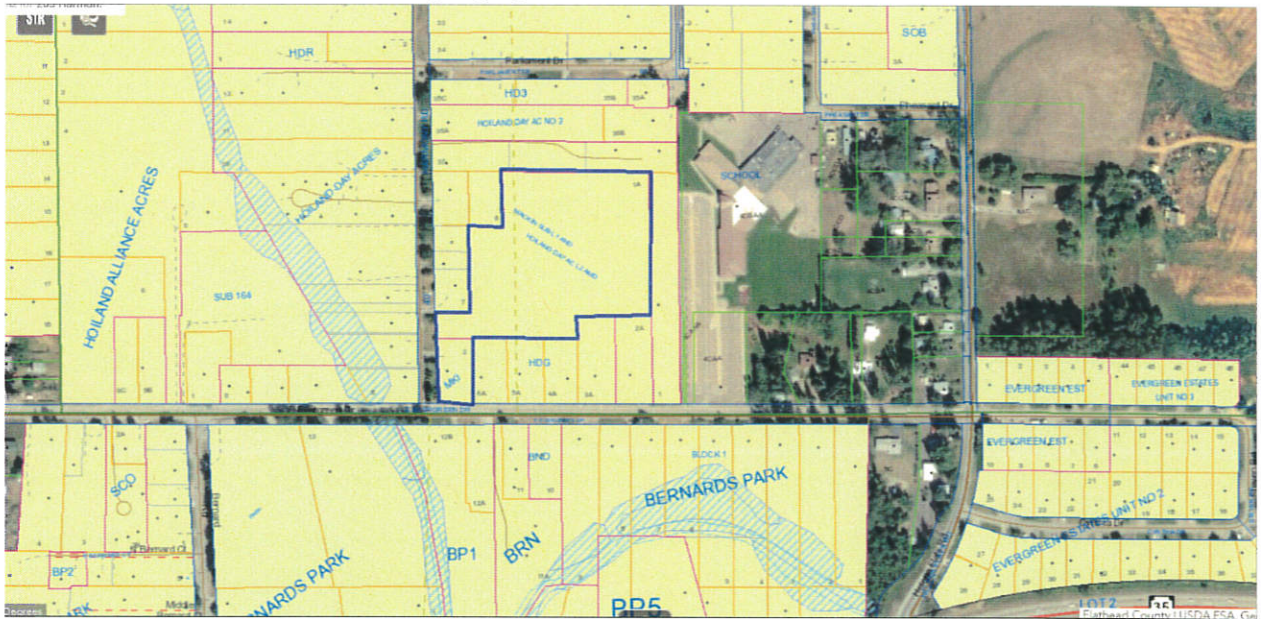
Figure 2: Proposed Preliminary Plat



E. Previously Considered Subdivisions in Area

The proposal is located off Harmony Road near East Evergreen Drive. Subdivisions in the immediate area include Hoiland Day Acres No. 2 (2001), Amended Subdivision Plat of Lots 3, 4, 5, 6 & 7 of Hoiland-Day Acres (2007), Hoiland-Day Acres (1945), Hoiland-Day Acres No. 3 (2009), Subdivision No. 164 (1998), Hoiland Alliance Acres (2002), Schouler's Subdivision (2004), and Bernard's Park (1946).

Figure 10: Area subdivisions, subject properties outlined in blue



F. Utilities and Services

1. **Water** – Evergreen Water and Sewer
2. **Wastewater** – Evergreen Water and Sewer
3. **Electricity** - Flathead Electric Cooperative
4. **Natural Gas** - Northwestern Energy
5. **Solid Waste** - Contract Haul – Evergreen Disposal
6. **Telephone Service** - CenturyLink
7. **Fire District(s)** – Evergreen
8. **Police** - Flathead County Sheriff

III. COMMENTS RECEIVED

A. Agency Comments

Referrals were sent to the following agencies on April 20, 2020:

- Flathead County Road Department
- Flathead County Solid Waste
- Flathead City-County Health Department
- Flathead County Weeds & Parks Department
- Evergreen Fire District
- Montana Fish, Wildlife and Parks
- Montana Department of Natural Resources and Conservation
- Flathead Conservation District
- Flathead County Address Coordinator
- Bonneville Power Administration
- Montana Department of Environmental Quality
- Flathead County Sheriff
- Evergreen School District

The following is a summarized list of agency comment received by the Planning Office as of the date of the completion of this staff report:

- Bonneville Power Administration
 - Comment: “At this time, BPA does not object to this request, as the property is located 2.13 miles away from the nearest BPA transmission lines or structures.”
- Flathead County Solid Waste District
 - Comment: “The District requests that all new subdivisions use a private hauler to bring solid waste to the landfill. Evergreen Disposal is the (PSC) Public Service Commission Licensed hauler in the area.”
- Flathead County Road and Bridge Department
 - Comment: “At this point the County Road Department does not have any comments on this request.”
- Flathead County Environmental Health Department
 - Comment:
 1. “The proposed subdivision is subject to review under the Sanitation in Subdivisions Act (MCA Title 76-4-1). The review will address potable water supply, wastewater treatment, storm water drainage, and solid waste disposal.
 2. This property lies inside the Kalispell Air Pollution Control Districts. All development must comply with Flathead County Air Pollution Control Program.”

The following will serve letters were included with the application.

- Evergreen Water & Sewer District
 - “Based on the preliminary drawings and subject to a review of detailed Plans and confirmation based on a Final Plat, Water and Sewer services for 203 and 207 Harmony Road are available from the District. The provision of such services is subject to compliance with all our policies, specifications, approval by the Board of Proposed Plans, a signed Water & Sewer Mainline Extension Agreement, and payment to the District of all associated fees and charges. Prior to the time the District can provide wastewater services, the developer of above-referenced project will also be required to obtain consent from the City of Kalispell pursuant to the requirements of the Sanitary Sewer Treatment Agreement between the City and the District and pay the City’s impact fees.

“Be further advised that while the District has current capacity to serve this property, that capacity will not be reserved or committed to this Project until the Project Proponent has complied with all requirements listed above and has paid all fees and costs due, both to the District and the City of Kalispell.”
- Evergreen Disposal
 - “This letter is to notify you that Evergreen Disposal is the private waste hauler for the above referenced property. We are capable of providing containers

ranging from a household 90 gallon bin up to a 6 yard metal bin with weekly service.”

Public Comments

In accordance with Section 4.0.14 Flathead County Subdivision Regulations (FCSR), adjacent property notification was mailed to neighboring property owners within 150 feet of the proposed subdivision on May 20, 2020, legal notice will be published in the Daily Interlake on May 24, 2020, and notice of the proposal and public hearing will be physically posted onsite by May 28, 2020.

As of the date of the completion of this staff report, no written public comments have been received from the general public regarding the proposal. Any written comments received following the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing.

IV. LOCAL GOVERNMENT REVIEW

A. Review Criteria and Staff Findings

Findings in this portion of the report are applicable to the impacts of the proposed subdivision on the review criteria listed in Section 76-3-608(3) MCA and the review procedure outlined in Section 4.1 of the Flathead County Subdivision Regulations (FCSR), effective December 3, 2018.

1. Agriculture and Agricultural Water User Facilities

According to the Environmental Assessment, “The subject property has no known history of agricultural crop production. There are no agricultural water works, canals, irrigation ditches, pump houses, etc. adjacent to the proposed subdivision. The property is not located within an agricultural water district.” The properties surrounding the subject properties are developed residential lots. The proposed subdivision would likely have minimal impact on neighboring agricultural production.

There are no shared agricultural water works, canals, irrigation ditches, or pump houses on the properties and the properties is not located within an agricultural water district or area.

Finding #1 – There would be minimal impact on agriculture or agricultural water user facilities as a result of the proposed subdivision because the properties has not been in agricultural production, has no irrigation infrastructure on site, and is not in an irrigation district.

2. Water and Wastewater Services

The applicant is proposing the utilization of Evergreen Water and Sewer District for water and wastewater usage of the proposed subdivision. The EA states, “This development will be served by a public water system (Evergreen Water and Sewer District). Based on 350 gpd average per residence, total of 12,600 gallons would be anticipated. Proposed water system improvements include an 8” main extension looping through the project connecting to existing mains in both Harmony Road and East Evergreen Drive. A hydrant will also be installed in the interior of the project. All services provided by the Evergreen Water & Sewer District are required to meet state standards for quality and quantity. The developer will bear the cost of a contractor

installed improvements. Project is anticipated to be completed within a three year frame per subdivision regulations.”

Concerning sewage disposal and system according to the EA, “Services for the subdivision will be provided by Flathead County Water District #1 – Evergreen. The District’s water system has been serving the Evergreen community since 1965. It encompasses 8 sq. mile service area, and has approximately 3300 customers.”

Included with the application is a will serve letter from Evergreen Water & Sewer District 1 which states, “Based on the preliminary drawings and subject to a review of detailed Plans and confirmation based on a Final Plat, Water and Sewer services for 203 and 207 Harmony Road are available from the District. The provision of such services is subject to compliance with all our policies, specifications, approval by the Board of Proposed Plans, a signed Water & Sewer Mainline Extension Agreement, and payment to the District of all associated fees and charges. Prior to the time the District can provide wastewater services, the developer of above-referenced project will also be required to obtain consent from the City of Kalispell pursuant to the requirements of the Sanitary Sewer Treatment Agreement between the City and the District and pay the City’s impact fees.

“Be further advised that while the District has current capacity to serve this property, that capacity will not be reserved or committed to this Project until the Project Proponent has complied with all requirements listed above and has paid all fees and costs due, both to the District and the City of Kalispell.”

The Flathead City-County Health Department has stated:

1. “The proposed subdivision is subject to review under the Sanitation in Subdivisions Act (MCA Title 76-4-1). The review will address potable water supply, wastewater treatment, storm water drainage, and solid waste disposal.
2. This property lies inside the Kalispell Air Pollution Control Districts. All development must comply with Flathead County Air Pollution Control Program.”

Finding #2 – The subdivision will have minimal impact on water and wastewater because the subdivision will utilize the Evergreen Water and Sewer District for both water and sewer which has met the MDEQ requirements, has provided a conditional will serve letter for the proposed subdivision and the subdivision will be subject to review from the Flathead City-County Environmental Health Department.

3. Solid Waste Disposal

The EA states, “The subdivision will be serviced by the contract hauler see “will serve” correspondence. Solid waste will be transported to Flathead County Solid Waste site.”

The Flathead County Solid Waste District commented, “The District requests that all new subdivisions use a private hauler to bring solid waste to the landfill. Evergreen Disposal is the (PSC) Public Service Commission Licensed hauler in the area.”

Included in the application is a will serve letter from Evergreen Disposal which indicates they are able to serve the proposed subdivision.

Pursuant to Section 4.7.22 FCSR the applicant should be required to meet the requirements of the Flathead County Solid Waste District.

Finding # 3 – Impacts on solid waste disposal would be acceptable with standard conditions because the lots within the proposed subdivision would utilize contract haul services for solid waste management.

4. Roads

It is anticipated the subdivision will utilize as primary access Harmony Road which is a paved two lane public road within a 40 foot easement and construct an internal subdivision road, Mackin Court, which will be built to Flathead County Road and Bridge Standards within a 60 foot easement.

The EA submitted with the application states, “A new private street will be constructed during this project. The new street will connect to Harmony Road. Average traffic counts on harmony Road are 990 daily trips. This information is based on data recorded in 2010, location north side of East Evergreen Drive. Based on a 25% increase over a 10 year period projected traffic counts would be approximately 1238 daily trips. The proposed street will be paved. BMP’s will be prescribed to mitigate fugitive dust during construction activities. The developer will pay the cost to construct and homeowners association will pay to maintain the private street.”

Concerning ADT, the EA states, “Based on the IDE average daily trips of 5.6 for townhome unit the 18 townhome lots will generate approximately 210 weekday trips. Because of the small overage of 10 trips per day no further requirements are anticipated. The proposed 18 townhome lot subdivision will generate 210 trips enough daily average trips to require a Traffic Impact Study be completed. However because of the small overage of 10 trips per day weekday trips will have minimal impact to Harmony Road and East Evergreen Drive and surrounding county roads. Maintenance costs are addressed by the current county tax structure.”

Staff agrees with the EA that it is anticipated the proposed subdivision would result in a total of up to 210 daily vehicle trips. The latest traffic counts available from the Flathead County Road and Bridge Department for Harmony Road is from 2010. At that time, the daily traffic count for Harmony Road north of East Evergreen was 990. Harmony Road is accessed by East Evergreen Drive. The latest traffic counts for this section of East Evergreen taken in 2019 is 1095 ADT. The addition of up to 210 vehicle trips to Harmony Road would result in an increase of 21% while the additional 210 trips would increase traffic on East Evergreen by 19%.

Finding #4 – The road system appears to be acceptable because Harmony Road is a paved two lane public road within a 40 foot easement which will access Lots 17 and 18, Mackin Court constructed to Flathead County Road and Bridge Standards will provide access to Lots 1-16 and the potential increase for Harmony Road is 21% and 19% for East Evergreen.

5. Schools

The properties are located in the Evergreen School District. According to the EA, “The proposed subdivision will be within the Evergreen school district and the Glacier High

school district. Based on census data and population estimates for Flathead County, a household would contain approximately 2.5 persons. Based on this information and assuming 2 adults and 0.5 school aged children per household the proposed subdivision would generate an estimated 18 additional students for the surrounding school district once fully developed the School Administrators were contacted by correspondence; however, no response was received at time of preliminary plat submittal.”

According to census data for Flathead County, the average household size is 2.46 persons and approximately 16.5% of the population is between the ages of 5-18 years. The establishment of 18 lots developed with two attached family units with this proposed subdivision would potentially lead to 15 potential school aged children. The office has received no comments from the school district at the time of writing this report.

The number of students generated by this proposal could be served without introducing significant impacts to the school district.

6. Mail Delivery

The developer will be required to submit plans for review and written approval from the local postmaster as a condition of preliminary plat approval.

7. Recreation

The application states, “Per the Flathead County Subdivision Regulations cash-in-lieu payment is proposed.”

The Flathead County Trails Plan does not designate Harmony Road as a potential trail site in the future, however East Evergreen Drive is a potential trail site in the future. As a result, a 15 foot pedestrian/bike trail easement will be a condition on final plat for proposed Lot 18 along East Evergreen Drive.

Finding #5 – Adverse impacts on schools, mail delivery and recreation are not anticipated as a result of the proposal subdivision because the mail box site will be required to be approved by the local postmaster, the proposal has the potential to add 15 school children, the Evergreen School District did not comment on the proposal, a bike/pedestrian easement will be required for proposed Lot 18 and the parkland dedication requirement is fulfilled with payment of cash-in-lieu.

8. Fire/Emergency Medical Services

The site is located within the Evergreen Fire Service Area and a fire station is located approximately 0.9 road miles northwest of the subject properties. The subject properties are located in a developed residential area not within the Wildland Urban Interface (WUI). The EA states, “The proposed subdivision is in the Evergreen Fire District which provides both fire and emergency services with support from various adjoining districts. The Chief of Evergreen Fire Rescue was sent a review and comment letter; however, no response was received at time of preliminary plat submittal.”

Although an agency referral was sent to the Evergreen Rural Fire Department by staff, they did not submit comment on this proposal.

9. Police Services

The proposed subdivision is located in a rural area of Flathead County and will be served by the Flathead County Sheriff’s Department. Although the combination of

existing staff levels, shift rotations, size of the county, and the dispersed nature of the population may affect response times, the properties' proximity the Flathead County Sheriff's Office in Kalispell should not lead to delayed response times in the event of an emergency.

Finding #6 – Impacts on fire/medical and police services would be minimal with standard conditions because the lots within the proposed subdivision would be served within an acceptable response time by the Evergreen Fire Department and Flathead County Sheriff's Department in the event of an emergency, and the properties are not located in a Wildland Urban Interface.

10. Impact of Noise

While noise and vibration will likely result from construction of a houses on the proposed lots, these impacts will be limited in duration and should not negatively impact the surrounding area. No noise beyond what is typical for a residential area is anticipated as a result of the proposed subdivision. The proposed residential use is not anticipated to generate noise that would impact area residents or wildlife.

11. Air Quality

According to the application, "Fugitive dust is a concern during the construction phase of the subdivision development; however dust control measures such as watering will be prescribed to mitigate these concerns. Permanent dust control procedures will be guaranteed through a Road Maintenance Agreement."

Comment from the Flathead City-County Environmental Health Department indicates, "This property lies inside the Kalispell Air Pollution Control Districts. All development must comply with Flathead County Air Pollution Control Program."

While an initial increase in dust is anticipated with the expansion and construction of roads and the construction of structures, no permanent decrease in air quality is expected with this proposal. The applicant has submitted a "Dust Control Plan" compliant with Section 4.7.14 FCSR. A note will be required to be placed on the face of the final plat that requires the owners of all lots abide by the guidelines set forth in the plan during and after site construction and development activities.

Finding #7 - Adverse impacts to air quality and noise are not anticipated with standard conditions because all roads accessing the subdivision are already paved, new roads will be paved, a Dust Abatement Plan was provided to mitigate potential issues of dust during construction, the development will be required to comply with the Flathead County Air Pollution Control Program and impacts of noise are not expected to extend beyond properties lines.

12. Soils

The applicant states in the EA, "No unusual soil or geologic conditions exist on the subject property that would limit reasonable/normal construction techniques."

According to NRCS soils data, the soils on the approximate properties are comprised of 4 soils.

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI	Farmland Classification	Natural Drainage Class
Ca	Chamokane soils, 0 to 3 percent slopes	4.2	67.1%	Prime farmland if irrigated	Moderately well drained
Kzd	Kiwais fine sandy loam, 0 to 4 percent slopes	0.4	25.2%	Prime farmland if irrigated	Well drained
Kzg	Kiwanis-Birch fine sandy loams, 0 to 5 percent slopes	1.6	25.2%	Not prime farmland	Well drained
So	Swims silt loam, 0 to 3 percent slopes	0.1	2.0%	Prime farmland if irrigated	Moderately well drained

The soils are a mix of soils classified as not prime farmland, and prime farmland if irrigated and either well drained or moderately well drained.

13. Stormwater

According to the EA, “Where parcel size permits, lots will be graded to direct storm water runoff from driveways and roofs to the street or to the infiltration ditch located in the rear lot set back areas. Otherwise runoff from roadways, parking areas and roofs will be directed to street curb & gutter system to drywells. Ultimate disposal of storm water will be by infiltration into the ground from the drywells and infiltration ditches. Storm water runoff, if any, from other surfaces on the lots will be routed to the same drainage facilities just described. Aside from the previously mentioned roadways, roofs and parking areas, the remainder of the development will be lawns and landscaped or vegetated surfaces with little runoff potential that will contribute a very small amount of the overall runoff from development. Responsibility to maintain the storm drainage infrastructure will be that of the Homeowners Association. An operation and maintenance manual will be included with the design report for the subdivision at the time of submittal to MDEQ as part of the subdivision review and approval process.”

Finding #8 – The soils on the subject properties appear to be acceptable because while the soils are a mix of not prime farmland, and prime farmland if irrigated classifications, the property has not recently been in agricultural production, the subdivision will utilize Evergreen Water and Sewer and stormwater is required to be reviewed and approved by MDEQ.

14. Geologic/Avalanche Hazards

The subject property is not located in an area which contains either geologic or avalanche hazards.

Finding #9 – No impacts from geological and avalanche hazards are anticipated because no geological and avalanche hazards are present on the subject properties.

15. Flora

The subject properties are currently a combination of undeveloped open space, and residential lots.

The EA states concerning vegetation, “Major vegetation types existing on the subject property are mixed forest and grassland. No known critical plant communities exist on the subject property...No noxious weeds were observed on the subject property during the site topography survey...Probable impacts include removal of selected trees and an overall reduction in vegetated landscape. A tree preservation plan will be implemented during the subdivision process.”

With a search of the Montana Natural Heritage Program there are 6 species of concern in this general area, Deer Indian Paintbrush, Latah Tule Pea, Spalding’s Catchfly, Sparrow’s-egg Lady’s-slipper, Slender Cottongrass and Short-beaked Aloe Moss. Deer Indian Paintbrush resides in Wetland/Riparian areas, Latah Tule Pea in Open/Valley forests, Spalding’s Catchfly in intermountain grasslands, Sparrow’s-egg Lady’s-slipper in mesic bottoms forests and the Slender Cottongrass is in fens.

The prevention of noxious weeds is particularly important with regard to construction and development. Pursuant to Section 4.7.25 FCSR, an approved weed control management plan, applicable to all lots, will be required as a condition of final plat approval.

16. Riparian/Wetland Areas

There are no mapped riparian or wetland areas on the subject properties.

Finding #10 – No impacts to the flora and riparian/wetland area are anticipated because the properties is a combination of open space and residential lots, the applicant has submitted an approved LOMA on the subject properties, and a weed management plan shall be approved by the Flathead County Weed Board prior to final plat approval.

17. Floodplain

The subject properties according to FEMA FIRM Panel 30029C1810J are in Zone AE, in an area determined to be within the special flood hazard area with an established Base Flood Elevation.

According to the EA, “The proposed property was situated within the 100 year floodplain as delineated by the EMA map panel number 30029C1810J. A LOMA was completed December 17, 2013.”

The applicant has submitted with the application a copy of the approved LOMA Case No. 14-08-0281A which states included in additional consideration, “Although the subject of the determination is below the elevation of the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), it is outside the Special Flood Hazard Area because of intervening high ground. Intervening high ground is natural high ground that exists between a property and/or structure and the flooding source, providing the property and/or structure protection against inundation from the base flood.”

Finding #11 – The proposal would not introduce adverse impacts to public health and safety in regard to flood risk because while the properties are located in a zone AE a

LOMA has been provided which removes the areas from the Special Flood Hazard Area.

18. Wildlife and Wildlife Habitat

A search conducted by staff of the Montana Natural Heritage Program identified this general area of the County may be frequented by 9 species of concern. There are three mammal species, the Hoary Bat, Little Brown Myotis (bat), and Grizzly Bear. One bird species is indicated, Great Blue Heron. There are three species of fish, the Westslope Cutthroat Trout, Pygmy Whitefish and the Bull Trout. The last of the species is invertebrates including the Hooked Snowfly and Alberta Snowfly. The Hoary Bat and Grizzly Bear reside in riparian and forest areas and conifer forests. The Blue Heron's habitat is riparian forest. As a result these species would not be affected by the subdivision as a majority of the properties is open space. The subject area does not contain lakes so the species of fish would not likely be affected by the development either.

Although Montana Fish, Wildlife & Parks was sent an agency referral no agency comment was returned.

Finding #12 – Adverse impacts on wildlife and wildlife habitat as a result of the proposed subdivision are acceptable because the subject properties do not contain the habitat of the species of concern and the properties are located in a developed residential area.

19. Historical Features

The Environmental Assessment indicates there are no known historic, paleontological, archeological, or cultural sites, structures, or objects on the subject properties.

20. High Voltage Electric Lines/High Pressure Gas Lines

There are no high pressure gas lines or high voltage electrical lines on the subject properties. Comments received from the Bonneville Power Administration state, "At this time, BPA does not object to this request, as the property is located 2.13 miles away from the nearest BPA transmission lines or structures."

21. Airport Influence Areas

The subject properties is not located within a public Airport Influence Area.

Finding #13 – The proposal does not appear to have an impact on historical features, high voltage electric lines, or high pressure gas lines because there are no known historical features and the properties is not located near high voltage electric lines or high pressure gas lines.

Finding #14 – The proposal does not appear to have an impact on the airport influence area because the proposal is not within a public Airport Influence Area.

B. Compliance with Survey Requirements of 76-3-401 through 76-3-406 M.C.A.

Finding #15 – The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.

C. Compliance with the Flathead County Subdivision Regulations and Review Procedure

1. Requested Variances

The applicant is not requesting any variances with this proposal.

Finding #16 - No variances are requested or required. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations, effective December 3, 2018 as compliant legal and physical access would be provided and potential impacts to the primary review criteria appear able to be adequately addressed by conditions.

2. Flathead County Subdivision Review Procedure

- i. Pre-application Conference Date**
March 24, 2020
- ii. Application Deadline Date (6 months from pre-application)**
September 24, 2020
- iii. Application Submittal Date**
April 7, 2020
- iv. Completeness Date**
April 15, 2020
- v. Sufficiency Date**
April 16, 2020
- vi. Agency Referral Requests Mailing Date**
April 20, 2020
- vii. Adjacent Property Notification Mailing Date**
May 20, 2020
- viii. Legal Notice Publication Date**
May 24, 2020
- ix. On-site Posting of Public Hearing Date**
By May 30, 2020

Finding #17 – The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 3, 2018.

D. Provision of Easements for the Location and Installation of Planned Utilities

According to the EA, “Electric and telephone utilities will be established at the time of development for services to each individual lot.”

Finding #18 – The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided properties shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.

E. Provision of Legal and Physical Access to Each Parcel

Finding #19 – Harmony Road would provide legal and physical access to for Lots 17 and 18 and Mackin Court would provide legal and physical access for Lots 1-16. Harmony

Road is a paved two lane public road within a 40 foot easement while Mackin Court is a 24 feet wide paved two lane road within a 60 feet easement with a cul-de-sac.

F. Review of Applicable Plans

76-1-605(2)(b) M.C.A states that *A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted pursuant to this chapter.* Furthermore, 76-3-608(3) M.C.A. does not contain compliance with the growth policy as a primary criteria by which an individual subdivision proposal must undergo local government review or on which findings of fact are to be based. Review of general conformance with applicable plans is provided as an acknowledgement and consideration of the guidance offered by the information contained in the document(s).

1. Neighborhood Plan

The proposed subdivision is not located within a Neighborhood Plan area, however it is located within the Kalispell City-County Master Plan.

Concerning the properties' location and the Kalispell City-County Master plan the applicant states, "The subject property is located within the Kalispell City County master Plan and would technically not be in compliance, however due to the age of the document and the changing dynamics of the neighborhood the proposed use would be compatible with current development patterns and level of services ongoing in Evergreen. The subject property is located within Flathead County and is subject to the applicable subdivision, planning and zoning regulations of Flathead County."

According to the Kalispell City-County Planning Jurisdiction Master Plan Map Year 2010, the properties are designated as 'Suburban Residential'. The definition of Suburban Residential in the Master Plan is, "A residential district which provides for two or less units per acre. Such areas typically do not have access to community sewer or water system, have only limited police and fire protection, and may have a limited carrying capacity due to site or soil limitations, floodplain or other natural constraints which preclude higher density. Suburban residential districts are typically located in two areas: on the periphery of the urbanizing community where they serve as a transitional development pattern between the urban area and the timber and agricultural areas beyond, and in aesthetically attractive areas such as foothills, lakeshore, or river frontage not suitable for agriculture or timber production. Suburban residential districts provide large lot, estate, ranchette, or resort housing opportunities where limited farming/gardening and raising of animals is common and/or privacy, aesthetic consideration and preservation of natural surroundings are paramount..."

The Kalispell City-County Master Plan was developed in 1986 and over the last 34 years much has changed in the Kalispell vicinity. While the proposal would not be compliant with the above definition, it would not be drastically out of character for the surrounding area as it stands in 2020.

2. Flathead County Growth Policy

The Flathead County Growth Policy is a general policy document that meets the requirements of 76-1-601, MCA and was updated on October 12, 2012. Regulations adopted by Flathead County used in the review of subdivisions are an implementation of the goals and policies established in the Growth Policy. This proposal conforms to

the regulations used in the review of subdivision in Flathead County and is therefore in general compliance with the Flathead County Growth Policy.

Finding #20 – The proposal is not general compliance with the Kalispell City-County Master Plan 1986, however it is generally consistent with the Flathead County Growth Policy.

G. Compliance with Local Zoning

As previously stated, the proposed subdivision is located in an area of Flathead County zoned R-4. The proposed subdivision appears to comply with the permitted uses as well as the bulk and dimensional requirements of the R-4 zoning designation.

Finding #21 – The proposed subdivision is in compliance with local zoning because the current proposal complies with the R-4 zoning designation.

V. CONCLUSION

In accordance with the provisions of Section 4.2 of the Flathead County Subdivision Regulations, a review and evaluation of the first minor subdivision application has been completed by Planning and Zoning staff and forwarded to the Flathead County Commissioners for their consideration. The proposed subdivision appears to generally comply with the applicable design standards and subdivision review criteria found in Section 4.7 FCSR, pursuant to the Findings of Fact stated above.

Should the Flathead County Board of Commissioners choose to grant preliminary plat approval to Mackin's Townhouses, the draft conditions found in Exhibit B should be considered to supplement the decision and mitigate impacts anticipated as a result of the subdivision.

FINDINGS OF FACT
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1. There would be minimal impact on agriculture or agricultural water user facilities as a result of the proposed subdivision because the properties has not been in agricultural production, has no irrigation infrastructure on site, and is not in an irrigation district.
2. The subdivision will have minimal impact on water and wastewater because the subdivision will utilize the Evergreen Water and Sewer District for both water and sewer which has met the MDEQ requirements, has provided a conditional will serve letter for the proposed subdivision and the subdivision will be subject to review from the Flathead City-County Environmental Health Department.
3. Impacts on solid waste disposal would be acceptable with standard conditions because the lots within the proposed subdivision would utilize contract haul services for solid waste management.
4. The road system appears to be acceptable because Harmony Road is a paved two lane public road within a 40 foot easement which will access Lots 17 and 18, Mackin Court constructed to Flathead County Road and Bridge Standards will provide access to Lots 1-16 and the potential increase for Harmony Road is 21% and 19% for East Evergreen.
5. Adverse impacts on schools, mail delivery and recreation are not anticipated as a result of the proposal subdivision because the mail box site will be required to be approved by the local postmaster, the proposal has the potential to add 15 school children, the Evergreen School District did not comment on the proposal, a bike/pedestrian easement will be required for proposed Lot 18 and the parkland dedication requirement is fulfilled with payment of cash-in-lieu.
6. Impacts on fire/medical and police services would be minimal with standard conditions because the lots within the proposed subdivision would be served within an acceptable response time by the Evergreen Fire Department and Flathead County Sheriff's Department in the event of an emergency, and the properties are not located in a Wildland Urban Interface.
7. Adverse impacts to air quality and noise are not anticipated with standard conditions because all roads accessing the subdivision are already paved, new roads will be paved, a Dust Abatement Plan was provided to mitigate potential issues of dust during construction, the development will be required to comply with the Flathead County Air Pollution Control Program and impacts of noise are not expected to extend beyond properties lines.
8. The soils on the subject properties appear to be acceptable because while the soils are a mix of not prime farmland, and prime farmland if irrigated classifications, the property has not recently been in agricultural production, the subdivision will utilize Evergreen Water and Sewer and stormwater is required to be reviewed and approved by MDEQ.
9. No impacts from geological and avalanche hazards are anticipated because no geological and avalanche hazards are present on the subject properties.
10. No impacts to the flora and riparian/wetland area are anticipated because the properties is a combination of open space and residential lots, the applicant has submitted an approved

LOMA on the subject properties, and a weed management plan shall be approved by the Flathead County Weed Board prior to final plat approval.

11. The proposal would not introduce adverse impacts to public health and safety in regard to flood risk because while the properties are located in a zone AE a LOMA has been provided which removes the areas from the Special Flood Hazard Area.
12. Adverse impacts on wildlife and wildlife habitat as a result of the proposed subdivision are acceptable because the subject properties do not contain the habitat of the species of concern and the properties are located in a developed residential area.
13. The proposal does not appear to have an impact on historical features, high voltage electric lines, or high pressure gas lines because there are no known historical features and the properties is not located near high voltage electric lines or high pressure gas lines.
14. The proposal does not appear to have an impact on the airport influence area because the proposal is not within a public Airport Influence Area.
15. The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.
16. No variances are requested or required. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations, effective December 3, 2018 as compliant legal and physical access would be provided and potential impacts to the primary review criteria appear able to be adequately addressed by conditions.
17. The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 3, 2018.
18. The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided properties shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.
19. Harmony Road would provide legal and physical access to for Lots 17 and 18 and Mackin Court would provide legal and physical access for Lots 1-16. Harmony Road is a paved two lane public road within a 40 foot easement while Mackin Court is a 24 feet wide paved two lane road within a 60 feet easement with a cul-de-sac.
20. The proposal is not general compliance with the Kalispell City-County Master Plan 1986, however it is generally consistent with the Flathead County Growth Policy.
21. The proposed subdivision is in compliance with local zoning because the current proposal complies with the R-4 zoning designation.

**CONDITIONS OF APPROVAL
SUBDIVISION REPORT # FPP-20-08
MACKIN TOWNHOUSES
MAY 26, 2020**

A. Standard Conditions

1. The developer shall receive physical addresses in accordance with Flathead County Resolution #1626C. All road names shall appear on the final plat. Street addressing shall be assigned by Flathead County. [Section 4.7.16(g)(iv) and 4.7.26(c) Flathead County Subdivision Regulations (FCSR)]
2. The developer shall comply with reasonable fire suppression and access requirements of the Evergreen Fire District. A letter from the fire chief stating that the plat meets the requirements of the Fire District (or Department) shall be submitted with the application for Final Plat. [Section 4.7.26(b) FCSR] (Finding of Fact (FOF) 6)
3. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.25 FCSR] (FOF 10)
4. Design and construction of all internal subdivision roads shall be certified by a licensed engineer and constructed and paved as proposed in accordance with the *Flathead County Minimum Standards for Design and Construction*, with road widths determined per the PUD in place as applicable. [Sections 4.7.16, 4.7.17 FCSR](FOF 4)
5. All utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.23 FCSR]
6. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed, approved, and permitted as applicable by the Flathead City-County Health Department, and approved by the Montana Department of Environmental Quality. [Sections 4.7.20 and 4.7.21 FCSR] (FOF 2 and FOF 8)
7. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the developer has met their requirements shall be included with the application for final plat. [Section 4.7.28 FCSR] (FOF 5)
8. In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the proposed subdivision. [Section 4.7.22 FCSR] (FOF 3)
9. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14 FCSR] (FOF 7)
10. All road names shall be approved by Flathead County and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the

house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c) FCSR]

11. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All road names shall be assigned by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c) FCSR]
 - b. All utilities shall be placed underground. [Section 4.7.23 FCSR]
 - c. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14 FCSR]
 - d. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22, FCSR]
 - e. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.25 FCSR]
12. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i) M.C.A.]
13. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality (DEQ) General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained prior to any site disturbance or construction and a copy of the DEQ confirmation letter shall be provided to the Flathead County Planning & Zoning office prior to final plat approval. [17.30.1115 Administrative Rules of Montana (A.R.M.)]
14. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.0.16 FCSR]
15. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.1.13 FCSR] (FOF 17 & 18)
16. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timeline(s). [Section 4.1.11 FCSR]

B. Project-Specific Conditions

17. The 15 foot easement for the bike and pedestrian path will be clearly marked on the final plat for Lot 18. (FOF 5)